

## **REMARKS**

### **Status of the Claims**

Claims 1-32 are pending in the application. All claims stand rejected. By this paper, claims 1, 11, 13, 15, 22 and 26 have been amended. Claim 12 has been cancelled. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and should be in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

### **Claim Rejections – 35 U.S.C. § 102**

By the office action dated June 3, 2008, claims 1-2, 4-18, and 22-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,949,745 to Howell ("Howell"). Additionally, claims 1-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,505,707 to Manzie, et al. ("Manzie").

Independent claims 1, 11, 22, and 26 have been amended to recite that the spike includes an inner lumen and a venting lumen. Claims 1 and 11 further recite a venting door "being selectively openable such that when a user opens the venting door, air can move from the external environment, through the side venting lumen...to equalize the air in the contrast media reservoir." Claims 1 and 11 recite that the configuration of the spike, "reduce[s] the potential vacuum in the contrast media source which may otherwise inhibit the free flow of fluid into the drainage bore and drainage lumen of the spike." Claim 26 recites that, "the venting lumen is isolated from the inner lumen to allow air to flow from the side venting opening through the venting lumen and into the contrast media reservoir while contrast media flows from the contrast media reservoir and into the drainage lumen." Claim 22 recites that the venting lumen is associated with a venting bore and the drainage bore is associated with a drainage lumen and that, "the drainage bore is positioned at a lower elevation than the venting bore when the spike is positioned in the contrast media reservoir."

Applicant respectfully submits that neither Howell nor Manzie teach or disclose a spike having an inner lumen and venting lumen with the limitations as recited in independent claims 1, 11, 22, and/or 26.

**CONCLUSION**

Applicant respectfully assert that claims 1-32 are patentably distinct from the cited references. The designs taught in the Howell and Manzie references do not teach or suggest the benefits of the claimed invention.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims define patentable subject matter and a Notice of Allowance is requested. Should questions exist after consideration of the foregoing, the Examiner is kindly requested to contact the Applicants' attorney at the telephone number given herein.

DATED this 3rd day of December, 2008

Respectfully submitted,

/Ryan D. Benson/  
Ryan D. Benson  
Reg. No. 54,767  
Attorney for Applicant(s)

Date: December 3, 2008

STOEL RIVES LLP  
One Utah Center  
201 South Main Street, Suite 1100  
Salt Lake City, UT 84111  
Telephone: (801) 578-6992  
Facsimile: (801) 578-6999